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Application for the Targeted Site Investigation Program California Brownfields Sites

Process for Agencies to Select Sites - FY 2005/06 (Update July 2005)

This document outlines a process for the Department of Toxic Substances Control (DTSC) and the Regional Water Quality Control Boards (RWQCB), collectively the "Cal/EPA Departments," to select a limited number of brownfield sites in California that will receive Targeted Site Investigation (TSI) services. The selection procedures provide the Cal/EPA Departments with a method to compare candidate sites and ensure that the sites are eligible to participate in the program. Selected sites will receive investigation services conducted by DTSC's cleanup contractor under DTSC staff oversight. All applicants will need to submit the information identified in this document in order to be considered for this program.

BACKGROUND

In July 2005, DTSC was awarded \$1.5 million in grant funds from the U.S. Environmental Protection Agency (U.S. EPA) pursuant to Subtitle C, State Response Program of the Small Business Liability Relief and Brownfields Revitalization Act of 2002. The grant will fund activities designed to encourage brownfields redevelopment in California. Generally, the grant provides authority for the Cal/EPA Departments to conduct site-specific assessments. The TSI investigations will be conducted at no cost to the applicant. However, before the funds can be spent, U.S. EPA will have an opportunity to review the selected sites to ensure the applicants meet all applicable federal eligibility criteria.

The TSI funds are targeted at local governments, school districts, redevelopment agencies, and non-profit organizations, as an opportunity to gain more information about a site's condition, which can directly affect decisions on property acquisition or cleanup strategy. While the intent of this program is to provide assistance to public agencies and non-profit organizations, the Cal/EPA Departments acknowledge the importance of private-public partnership for facilitating redevelopment projects. Once a site has been selected, Cal/EPA Department staff and the applicant will discuss the proposed activities, which may include: preparation of a sampling plan, conducting field work, preparation of an investigation report, or conducting a Preliminary Endangerment Assessment. DTSC will prepare a site specific scope of work and issue a work order for their investigation contractors to follow. Using the TSI funds does not preclude a public or private entity from participating in other U.S. EPA grant funded programs.

ELIGIBILITY CRITERIA

The Cal/EPA Departments have developed eligibility criteria to ensure sites meet the grant requirements and the work can be completed within the grant cycle. Information submitted to the Cal/EPA Departments will be evaluated and those sites not meeting the criteria will not be considered further under this program. An applicant is limited to one TSI per fiscal year. An applicant may be eliminated from participating in the program if Cal/EPA Department staff or managers believe the applicant's past actions show an unwillingness to be cooperative with the Cal/EPA Departments, such as not taking required corrective action or failure to provide site access. Candidate sites will need to meet the following eligibility criteria:

- 1. Brownfields status:** Sites must meet the U.S. EPA definition of a "brownfield" site. U.S. EPA's definition comes from the 2002 federal legislation (cited earlier) codified in 42 U.S.C. 9601. With certain legal exclusions and additions, the term "brownfields" means *real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant* and may include petroleum hydrocarbon releases. Sites ineligible to receive U.S. EPA grant funds include: sites with ongoing or planned U.S. EPA directed removal actions; sites proposed for or listed on the National Priority List (NPL); federally owned properties; sites under enforcement orders; and active sites subject to RCRA corrective action. Typical examples of brownfield sites include former industrial and manufacturing facilities and gas stations.
- 2. Current ownership:** Sites should be one of following: (i) a proposed project owned by a public agency or a non-profit organization; OR (ii) within a redevelopment planning area; OR (iii) a project that is of interest to the public agency or non-profit organization who is facilitating or fostering the property for reuse; OR (iv) an abandoned or other significant site (such as a proposed school site) for which the Cal/EPA Departments and the applicant are interested in gathering more information.
- 3. Site access:** Sites should be readily accessible to Cal/EPA Department staff and to DTSC's contractor for the purpose of performing TSI fieldwork (e.g., soil borings, monitoring well installation, or sampling). The landowner must agree to allow site access and may be asked to sign a formal site access agreement (see application).
- 4. Local agency/community support:** The Cal/EPA Departments want assurances that local agencies and communities support the investigation efforts being conducted under this program. The application should include letter(s) of support from persons such as community leaders, representatives from the local redevelopment agency or economic development agency, or other branches of local government (e.g., mayor's office).

5. Limits to the Project Scope: Federal guidelines prohibit any entity from receiving more than \$200,000. To maximize participation under this program, the TSI program funds average \$50,000-\$75,000 for each project.

SCORING CRITERIA

Eligible sites will be scored using the following criteria:

1. Current uncertainty over site contamination (perceived contamination):

Brownfield sites can remain undeveloped or under-utilized because of perceived contamination, typically based either on visual conditions or limited or poor quality data. In scoring this category, sites with low uncertainty would receive a lower score since additional sampling efforts will likely not provide a substantial benefit regarding the scope of the problem. Sites with higher perceived contamination problems, or with little or no sampling data, will likely receive a higher score.

2. Uncertainty reduction: This category evaluates the likelihood the TSI will reduce uncertainty over the degree of site contamination. For example, the TSI funds can reduce uncertainty over the degree of site contamination by filling data gaps. While the TSI funds typically will be inadequate to fully characterize large or complex sites, the funds could be used to reduce uncertainty over site contamination at smaller sites or sites with simpler chemical use histories (e.g., nurseries). However, TSI funds may be most beneficial if they are used to supplement other potential sources of funding. For example, these funds could be used to satisfy requirements set out by a lender to release a cleanup loan. In addition, the TSI could assist in finalizing the investigation or scoping of the cleanup especially if there are funds already earmarked for cleanup. Scoring this category involves an evaluation as to the direct benefit of the information to be gained by the TSI funds.

3. Pioneer status: In an economically distressed neighborhood, redeveloping the first brownfield site is more difficult than subsequent redevelopment. However, it is likely to encourage redevelopment of other nearby brownfield sites. "Pioneer" brownfield sites are therefore more likely to benefit from the TSI efforts than sites that are already in an economically sound area. Scoring this category involves an evaluation of the economic status of the surrounding community and the potential for the area to change based on brownfields redevelopment.

4. Plans for reuse: This category evaluates the timing for a redevelopment or reuse project. (Reuse is not limited to commercial development and can include a proposed school project, community open space and greenspace use, habitat restoration and specialized non-profit or school projects.) Redeveloping a property is more likely to occur when specific plans for reuse and financing arrangements have been identified. Factors to consider include: whether the project is within a designated redevelopment area, the specific plans and timing for reuse, whether funds have been set aside or identified for the redevelopment or reuse project, how reliable is the identified funding, and whether the project is supported by the community and public officials.

5. Community benefit: The potential benefits to a community from a reuse project can be measured as:

- *Potential Economic Benefit:* increases tax base, creates jobs or serves as a magnet for other retail and commercial development;
- *Social Benefit:* provides low income housing, addresses environmental justice issues, reduces and/or addresses health risk questions posed by surrounding residents;
- *Schools:* assists school districts in complying with regulatory requirements in order to construct new school facilities or expand an existing project by providing funds to assist with site assessment;
- *Cultural or Historical Significance:* preserves culturally sensitive or historic properties;
- *Creation or Restoration of Sensitive Land Uses:* creates wildlife preserves, parks, open space, and hospitals; and
- *Water Quality Significance:* addresses issues such as water runoff from an adjoining contaminated property or determines if groundwater has been contaminated.

SELECTION PROCESS

The following selection process will be used by the agencies to select the sites.

1. Identify potential sites: Those interested in the program, including local agencies, non-profits and school districts should contact the Cal/EPA Department staff listed in this document to determine if the site is eligible and to discuss the application. Any sites not meeting the eligibility criteria will be eliminated from further consideration.

2. Obtain applications for potential sites: An application for each candidate site should be completed following the guidelines in Attachment 1. The completed application, including any letters of support, and a description of the project, must be submitted to one of the designated Cal/EPA Department staff listed in this document.

3. Site scoring: Cal/EPA Department staff will score the sites based on the scoring criteria above. For informational purposes only, a copy of the sample scoring sheet is provided in Attachment 2.

4. Selection of sites: The selection panel will consist of five members: two representatives from each Cal/EPA Department and one member from Cal/EPA. The panel will select the sites by considering the individual score in conjunction with overall geographic diversity, financial need, diversity in site or contaminant type, and redevelopment project type. Sites not initially selected will be placed on a waiting list for future consideration in the event that the TSI activity for one or more selected sites does not proceed.

TSI applications must be postmarked by **September 23, 2005**. Selections are scheduled to be announced by October 15, 2005.

Once a Site is Selected

Each applicant will be notified of the results of the selection process. U.S. EPA will be notified of the projects that have been selected to receive TSI services and given an opportunity to verify that the projects are eligible for these services and the process for submission. DTSC will initiate a scoping meeting with the applicant and the designated contractor to determine the specific scope of work. Information submitted in the application will be used to develop a workplan that will outline the activities, deliverables and time frames.

Additional Information

To obtain general information about the TSI program and the process for submittal of an application, please contact or email:

Megan Cambridge
Department of Toxic Substances Control
Statewide Brownfields Coordinator
8810 Cal Center Drive, 1st Floor
Sacramento, CA 95826
Phone: (916) 255-3727
Fax: (916) 255-6621
E-mail: mcambrid@dtsc.ca.gov

Lisa Babcock
State Water Resources Control Board
Division of Water Quality
1001 "I" Street, 16th Floor
Sacramento, CA 95814
Phone: (916) 341-5687
Fax: (916) 341-5709
E-mail: lbabcock@waterboards.ca.gov

Below are the names and contact information for the regional DTSC and RWQCB representatives.

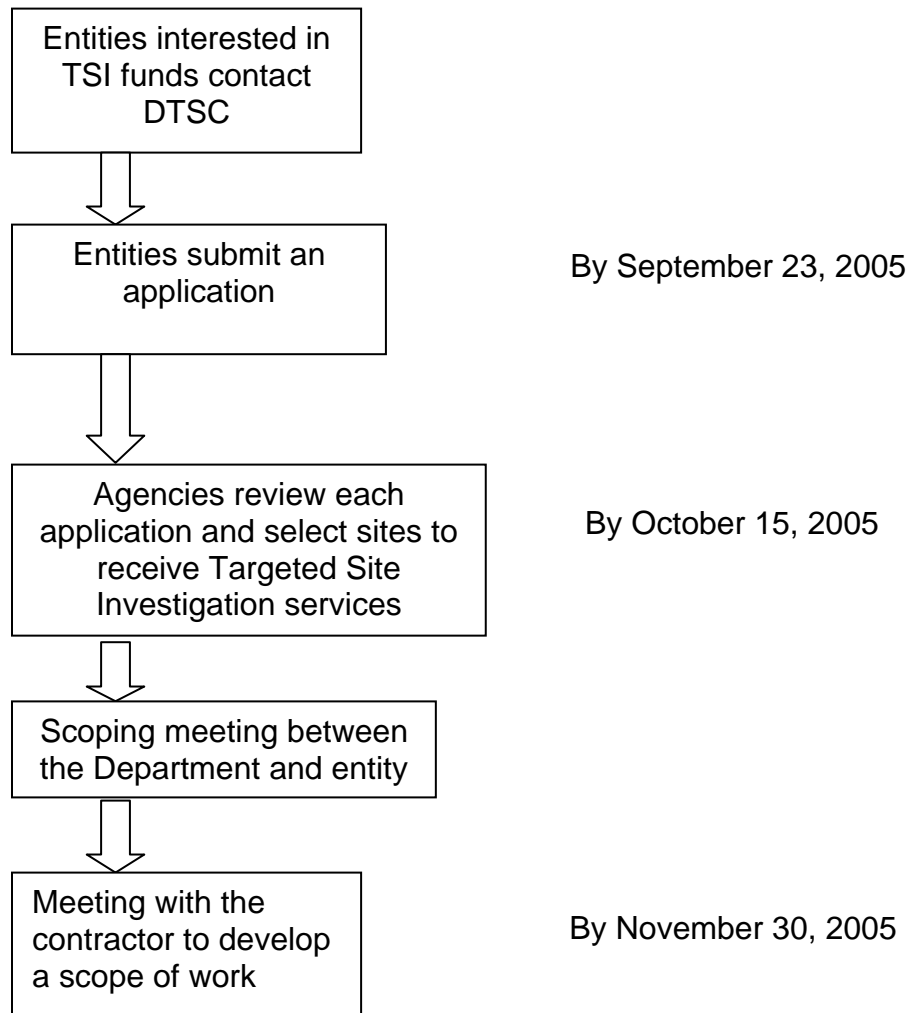
Department of Toxic Substances Control

Northern: Steven Becker (916) 255-3586
Northern: (Fresno) Kevin Shaddy
(559) 297-3929
Southern: Curtis Plotkin (818) 551-2862
Cell: (818) 968-9802
North Coast: Janet Naito (510) 540-3833 or
Lynn Nakashima (510) 540-3839

Regional Water Quality Control Boards

Lahontan: Cindi Mitton (760) 241-7413
Los Angeles: Arthur Health, Ph.D. (213) 576-6725
North Coast: Luis Rivera (707) 570-3769
Santa Ana: Ann Sturdivant (909) 782-4904
San Diego: John Anderson (858) 467-2975
SF Bay: Gary Riley (510) 622-2462
Central Valley: Duncan Austin (916) 464-4712 or
Mary Serra (916) 464-4682
Central Coast: Harvey Packard (805) 542-4639
Colorado River: Ron Falkowski (760) 776-8947

SCHEDULE OF ACTIVITIES



Attachment 1
TARGETED SITE INVESTIGATION APPLICATION

The Targeted Site Investigation program provides the Department of Toxic Substances Control (DTSC) in collaboration with the Regional Water Quality Control Boards (RWQCB) with limited funds to perform site investigations by a DTSC contractor. In order to provide DTSC and RWQCBs with sufficient information to make the appropriate decisions regarding the selection of these sites, it is suggested that the applicant answer the following questions. For more information regarding DTSC's Brownfields Program, please visit our web site at: <http://www.dtsc.ca.gov>.

SECTION 1 APPLICANT INFORMATION

Applicant name and organization		
Contact person	Title	
Address		
Phone	Fax	E-mail

SECTION 2 SITE INFORMATION

Name of site and type of business (if applicable)	
Phone (if applicable)	
Current owner Name _____ Phone _____ Address _____	
Assessor's parcel number	Site address, city, county, zip code
Current zoning of the site:	
Number of buildings on the site and their square footage and acreage of project area:	
Physical condition of the site:	
Current permits related to the site:	
Does the applicant own this property? Yes No If yes, how and when was the property acquired? _____ If no, has the applicant obtained legal permission to enter the property to conduct the site investigation activities? Yes No Since failure to provide proper authorization to access the property may be grounds for eliminating an applicant from further consideration, please provide a copy of the site access agreement.	
What is the estimated cost for conducting the TSI investigation? _____ Describe any specific time or property constraints or accessibility issues that could impact the contractor's ability to conduct the field activities? _____	

SECTION 3

Please attach appropriate regional and site location maps as well as photographs if available.

Attach up to five pages to page 1 of this application, addressing the following points:

- ☐ Provide a chronological history of the site. Include the nature of manufacturing operations, processing facilities, hazardous substances storage, etc. that were located at the site. Is there a reason to believe that the site is contaminated with hazardous substances (e.g., solvents, pesticides, or metals)? Briefly describe the conclusions from any previous site assessment activities (or attach conclusion sections from relevant reports). Identify client, consultant, and approximate dates of past studies. Note: this information can be gathered as part of the targeted site investigation if it is not already available.
- ☐ Provide a description of the services requested, including projected costs. It is important to provide as much information as possible about the services that are being sought to assist the committee during the selection process. If possible, include specific information such as: the number and types of samples that need to be collected, whenever groundwater sampling is to be part of the requested services, the type of monitoring wells currently available, etc.
- ☐ Describe the plan for the anticipated site reuse. Will it be for residential, commercial, retail, schools, industrial, open space or another purpose? What is the anticipated timeframe for developing the site?
- ☐ Describe the general economic status of the community and the potential for the area to change based on brownfields redevelopment. Is the area undergoing revitalization efforts? Have there been any successful brownfields projects in the area?
- ☐ Are there plans to finance the redevelopment project, including potential site cleanup? Are there other financial incentives available to the applicant to spur development (tax incentives, etc.)?
- ☐ Is the applicant or any other party under an enforcement order from the U.S. EPA, state, or local regulatory agencies to conduct a site assessment or cleanup at this site? Briefly describe any ongoing agency oversight by a regulatory agency.
- ☐ Briefly describe the public interest or community involvement in the site's reuse or planning activities to date.
- ☐ Provide a brief description of the anticipated community benefits including social, economic, and environmental improvements.
- ☐ Provide a brief description of the direct or immediate benefits that would be gained from the TSI services.

Attachment 2
TARGETED SITE INVESTIGATION SCORING SHEET

Applicant (contact person and organization): _____

Site name (if any): _____

Site addresses (street address, city, and zip code): _____

Current owner's name: _____

Meets eligibility criteria (brownfields status, current ownership, site access, and local agency/community support): Y N (circle one)

Scoring Factors	Score low to high					Comments and Justification for Score
	1	2	3	4	5	
1. Current uncertainty over site contamination (1=low uncertainty, 3=moderate uncertainty, 5=high uncertainty)						
2. Uncertainty reduction - likelihood that TSI will reduce uncertainty over the degree of site contamination (1=low likelihood, 3=moderate likelihood, 5=high likelihood)						
3. Pioneer status - first brownfields redevelopment in immediate neighborhood (1=economically viable area, 3=some redevelopment initiated sites, 5=pioneer site)						
4. Ability to perform/site access (1=unlikely to initiate TSI in the next 6 months, 3=need to resolve minor issues, 5= ready)						
5. Plans for Reuse (1= no reuse plans, community opposition, no financing, 3 = within redevelopment area, no community opposition, early planning and financing phases, 5 = project ready, strong community and financial support)						
6. Community Benefit: (1= private development with no community benefits, 3= community improvement /taxes, 5= project will greatly benefit the community)						

Total score (all six factors)*:

Other considerations:

* min=6, max=30, sites with higher scores are more likely to be selected